

REMARKS

The Office Action mailed August 8, 2003 has been reviewed and carefully considered. Claim 12 has been added. Claims 1-12 are pending in this case, with claims 1, 5 and 8 being the independent claims. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1, 3, 4 and 8-10 were rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,269,208 to Bhatia et al. ("Bhatia").

Claim 1 recites: "a mobile lens, disposed to intercept the focused light beam from said lens, for diverging the focused light beam along the lengthwise direction of said optical fiber and changing the period of the optical fiber grating." The inventive apparatus and method employing a mobile lens is described in the specification (e.g., page 11, line 18 – page 12, line 10; comparison of FIGs. 2A and 4A).

The Bhatia reference relates to conventional movement of the mask (FIG. 1; col. 5, lines 5-12) to adjust a fringe period of fiber grating. The mask movement updates values for parameters "z" and "d" that correspond to that period, and those values also depend on whether an additional focusing optic 122 is included within the configuration between the spatial filter and the mask (col. 6, line 62 – col. 7, line 4). Bhatia also mentions changing parameter "z" by moving the spatial filter 30 (col. 5, lines 5-7).

Although item 2 of the Office Action seems to imply that moving the focusing optic 122 is inherently disclosed in Bhatia, Bhatia fails to disclose that the focusing optic 122 moves. In particular, Bhatia fails to disclose, or even to suggest, : "a mobile lens . . . for . . . changing the period of the optical fiber grating" as explicitly

required by the language of claim 1.

Although col. 7, lines 1-4 of Bhatia recite "Such focusing optics 122 can be used in any of the embodiments to move the effective center of curvature of the impinging beam 18 to correspondingly shorten or lengthen the distance "z," this sentence does not disclose or suggest the "mobile lens" of claim 1. The notion of a mobile lens in the Bhatia configuration arises only through impermissible hindsight gained from reading the present application including the claims and drawings.

For at least this reason, Bhatia fails to anticipate the invention as recited in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 5 recites, similarly, "a movable concave lens . . . for . . . changing the period of the optical fiber grating" and is likewise deemed not anticipated by Bhatia for at least the same reason as claim 1.

Claim 8 recites "traversing said second lens . . . so as to change the . . . period of the optical fiber grating" and is therefore not anticipated by Bhatia for at least the same reason as claim 1.

Claims 2, 5-7 and 11 were rejected under 35 U.S.C. 103(a) as unpatentable over Bhatia.

Each of claims 2, 5-7 and 11 depends from a respective base claim discussed above in the anticipation rejection. That which was generally known to those of ordinary skill in the art cannot compensate for the deficiencies in Bhatia. Accordingly, none of claims 2, 5-7 and 11 would have been obvious over Bhatia for at least the same reason.

Claim 12 has been added to more particularly point out what the applicant

regards as an aspect of the invention. Support for new claim 12 is found in the specification (e.g., page 11, line 18 – page 12, line 10; page 13, lines 10-13).

The remaining claims are deemed to be patentable for at least their respective dependency from a base claim, each of which has been shown to be patentable.

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be effected without the need for a further Office Action.

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

Respectfully submitted,

CHA & REITER

By: 
Steve S. Cha
Attorney for Applicants

Date: 11/1/03

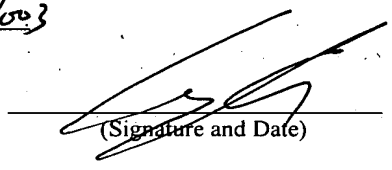
Mail all correspondence to:

Steve S. Cha
CHA & REITER
210 Route 4 East, #103
Paramus, NJ 07652
Phone: (201)226-9245
Fax: (201)226-9246

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313 on Nov. 1/2003

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)